

MEMORANDUMMAY 10, 1984
Nov. # 4443

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN

SUBJECT: SOUTH STATION URBAN RENEWAL PROJECT - CHANGE ORDER #3 AND
PROCLAIMER OF MINOR MODIFICATIONS OF THE URBAN
RENEWAL PLAN

SUMMARY: This memorandum requests that the Authority (1) Adopt a minor modification of the South Station Urban Renewal Plan with respect to Disposition Parcel C-5; (2) authorize the Director to proclaim by certificate this minor modification, and (3) requests approval of Change Order #3.

On August 3, 1981, the Authority approved the Contract Working Drawings and Specifications for a 45-story office tower at Dewey Square on South Station Parcel C-5. The site was conveyed to the redeveloper, Rose Associates, on September 3, 1981. The Contract Working Drawings and Specifications approved by the Authority require the construction of substantial retail areas on the first and second floors of the building and cinemas in the basement, in addition to the office usage.

The Authority staff has determined that there is no market for cinemas in this building at this time or in the foreseeable future due to its location and the addition of other cinema complexes in the city since the time the LDA was executed. It is therefore recommended that the attached Change Order #3 to the LDA and the attached Minor Modification to the Plan be approved, so as to delete the requirements for cinemas and substitute in the approved Working Drawings and Specifications additional retail space on the ground floor in place of the cinema lobby and badly needed additional parking on the first basement level where the cinemas were to be located. By this change, the Authority will maintain control of the use to which these areas of the project are devoted, and the change will continue to be consistent with the goals of the Authority and of the South Station Urban Renewal Plan.

In the opinion of the Chief General Counsel, the proposed modification is minor and does not substantially or materially alter or change the Plan, and may therefore be proclaimed by certificate.

An appropriate vote and resolution follow:

VOTED: To adopt the attached Minor Modification to the Urban Renewal Plan, and that the Director is authorized to execute the attached Change Order #3, amending the Land Disposition Agreement with Rose Associates and Bostrose Associates L.P. and the Contract Working Drawings and Specifications.

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: MODIFICATION OF THE URBAN RENEWAL PLAN OF THE
SOUTH STATION URBAN RENEWAL AREA, PROJECT NO.
MASS. R-82C AND AUTHORIZATION TO PROCLAIM BY
CERTIFICATE THIS MINOR MODIFICATION

WHEREAS, the Urban Renewal Plan for the South Station Urban Renewal Area was adopted by the Boston Redevelopment Authority on May 23, 1978, and approved by the City Council of the City of Boston on February 24, 1969; and

WHEREAS, Section 1201 of Chapter 12 of said Plan entitled: "Modifications" provides that the Urban Renewal Plan may be modified at any time by the Boston Redevelopment Authority without further approval, provided that the proposed modification does not substantially or materially alter or change the Plan; and

WHEREAS, it is the opinion of the Authority that the minor modification with respect to Parcel C-5 is consistent with the objectives of the South Station Urban Renewal Plan; and

WHEREAS, the Authority is cognizant of Chapter 781 of the Acts and Resolves of 1972 with respect to minimizing and preventing damage to the environment; and

WHEREAS, the proposed amendment to the Plan is a minor change and may be adopted within the discretion of the Authority pursuant to Section 1201 of said Plan;

NOW, THEREFORE BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY THAT:

Pursuant to Section 1201 thereof, the South Station Urban Renewal Plan, Mass. R-82C, be and hereby is amended as follows:

1. That the provision entitled "Other Requirements" for Parcel C-5 on page 6-7 of the said Plan, as most recently amended on May 6, 1982, is hereby further amended by deleting the second to last sentence thereof: "The uses of the basement level of the building shall include but not be limited to cinemas, all in accordance with the design materials approved by the Authority."
2. That the proposed modification is found to be a minor modification which does not substantially or materially alter or change the Plan.
3. That all other provisions of said Plan not inconsistent herewith be and are continued in full force and effect.
4. That it is hereby found and determined that the proposed development will not result in significant damage to or impairment of the environment and further, that all practicable and feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment.

5. That the foregoing modification shall be severable from any other such modification, such that if one or more of the same shall be determined invalid, the remainder shall remain in full force and effect.
6. That the Director be and hereby is authorized to proclaim by certificate this minor modification of the Plan, all in accordance with the provisions of the Urban Renewal Handbook, RHM 7207.1, dated August, 1974.

DEWEY SQUARE TOWER ASSOCIATES
One Financial Center
Boston, Massachusetts 02111

Robert J. Ryan, Director
Boston Redevelopment Authority
Boston City Hall
Boston, Massachusetts 02201

Re: Change Order #3 - One Financial Center

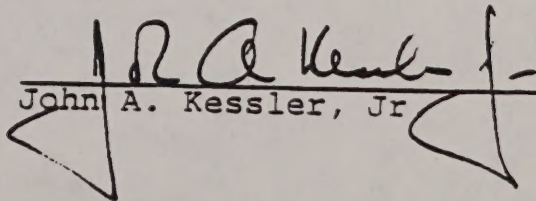
Dear Director Ryan:

Approval is hereby requested pursuant to Section 302(b) of the Amended and Restated Land Disposition Agreement dated May 3, 1982 among the Authority, Rose Associates and Bostrose Associates, L.P. for the following changes to the Agreement and the Contract Working Drawings and Specifications approved by the Authority on August 3, 1981, as amended by Change Orders #1 and 2:

1. Delete so much of the Improvements as are shown on that portion of the Contract Working Drawings and Specifications as are listed in Part I of Exhibit "A" attached hereto and made a part hereof, and substitute therefor the plans listed in Part II of Exhibit "A".
2. Amend Section 301(e) by deleting the third sentence which reads "The uses of basement level of the building shall include but not be limited to cinemas, all in accordance with the design materials approved by the Authority."

DEWEY SQUARE TOWER ASSOCIATES

By its Attorney,


John A. Kessler, Jr.

Approved and agreed to:

BOSTON REDEVELOPMENT AUTHORITY

By:

Robert J. Ryan, Director

EXHIBIT A
TO
CHANGE ORDER #3
LAND DISPOSITION AGREEMENT AMONG
BOSTON REDEVELOPMENT AUTHORITY, ROSE ASSOCIATES & BOSTROSE ASSOCIATES, L.
DATED MAY 3, 1982

Part I:

Delete from Contract Drawings and Specifications approved by the Boston Redevelopment Authority ("BRA") on August 3, 1981, the following plans prepared by Jung Brannen Associates, Inc. and Pietro Belluschi, Inc., Architects:

<u>Drawing #</u>	<u>Title</u>	<u>Revision Date</u>
A 101	Lower Levels 1 and 2	8/3/81
102	Ground Floor Plan EL 23.5	8/3/81
113	Lower Level 1 - North	8/3/81
114	Lower Level 1 - South	8/3/81
115	Ground Floor Plan - North EL 23'6"	3/11/83
116	Ground Floor Plan - South EL 23'6"	3/11/83
212	Building Section A	8/3/81
221	Sections C & D LL2 To Third Floor	8/3/81

Part II:

Substitute the following plans prepared by Jung Brannen Associates, Inc. and Pietro Belluschi, Inc., Architects:

<u>Drawing #</u>	<u>Title</u>	<u>Revision Date</u>
A 101	Lower Levels 1 and 2	1/19/84
102	Ground Floor Plan EL 23.5	1/19/84
113	Lower Level 1 - North	1/19/84
114	Lower Level 1 - South	1/19/84
115	Ground Floor Plan - North EL 23'6"	1/19/84
116	Ground Floor Plan - South EL 23'6"	1/19/84
212	Building Section A	1/19/84
221	Sections C & D LL2 To Third Floor	1/19/84